

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

_____)	
Equipav S.A. Pavimentação, Engenharia e)	
Comercio Ltda.)	
)	
	Petitioner,)	Case No. 22-cv- <u>4594</u>
)	
)	
	-against-)	
)	
)	
Silmar Roberto Bertin)	
)	
)	
)	
	Respondent.)	
_____)	

DECLARATION OF DR. AVI YANUS

I, **Dr Avi Yanus**, of 1 Ropemaker Street, London, EC2Y 9HT, United Kingdom, declare as follows:

1. I submit this declaration to support the above-captioned Petition of Equipav S.A. Pavimentação, Engenharia e Comercio Ltda (hereinafter: the “**Plaintiff**” or “**Equipav**”).
2. The information contained in this declaration is based upon my own knowledge and/or belief, except where stated otherwise. When information is not based upon my own knowledge, I will explain the source of the information and/or belief.

I. Background

3. I am a citizen of the United Kingdom and a citizen of the State of Israel.
4. I am the sole director of B.C. Strategy UK Ltd. (hereinafter: “**Black Cube**” or the “**Company**”) and have been so since the foundation of the Company in 2012. I hold a bachelor’s degree (with honours) in economics and management from the Technion – Israel Institute of Technology, a master’s degree (with honours) in business administration from Tel Aviv

University, and a Ph.D. in business administration from Tel Aviv University.

5. Black Cube is a business intelligence firm. The Company holds, through B.C. Strategy Ltd. (Israel), the Black Cube brand in Israel, the United Kingdom, the European Union, the United States and 25 other countries.
6. Black Cube is comprised of a select group of veterans of special units in the Israeli intelligence community and skilled intelligence officers with a background in law and finance. The Company has over 120 employees, including attorneys, economists, and financial professionals, who use a combination of their legal, business, and intelligence experience. Black Cube's offices are in London, Tel Aviv and Madrid, and its client base includes international corporations and international law firms. The Company's services are engaged for its expertise in intelligence collection and analysis, specifically that which supports legal proceedings and arbitrations of extraordinary complexity and international scope, such as disputes that are litigated in several jurisdictions simultaneously, complex white-collar crimes, international investment disputes, and asset-tracing and enforcement.
7. Black Cube's research team performed comprehensive research across multiple sources: public registries in numerous jurisdictions, various court documents pertaining to the matter herein, open-source information, offshore corporations databases and database aggregators such as Lexis Diligence, D&B and more.
8. In addition to open-source research, as part of the Company's methodologies, Black Cube arranges meetings in-person or via video calls with relevant individuals to the case. In-person meetings generally take place in a public space. Black Cube typically sends one or more Agents to any given meeting. The objective of these meetings is to obtain information relevant to the case through conversation with the individuals.
9. The conversations are recorded during these meetings if it is legally permissible to do so in the jurisdictions where the meetings take place.

Consequently, recordings are only made in jurisdictions where it is lawful to record a conversation with consent from only one of the parties to the conversation (“one-party consent states”). In this matter, meetings were conducted in New York (USA) and Tel Aviv (Israel). All such states are one-party consent jurisdictions.

10. Each conversation is generally recorded from start to finish, without breaks, and generally multiple recording devices are used to ensure that all statements are captured during the meeting.
11. In addition, throughout my declaration are true and correct excerpts of the transcripts of the recordings made by Black Cube’s agents as part of the investigation described below to which I shall refer in this declaration. All transcripts were verified by third-party experts who confirmed that they accurately reflect the audio files, with no distortion or modifications of facts or biases.
12. I confirm that Black Cube’s methodologies comply with relevant criminal laws in the jurisdictions where it conducts operations. Specifically, Black Cube created its general operating procedures and methodologies based upon legal advice and guidance obtained from top-tier law firms in the United Kingdom, Israel, and the United States. In addition, Black Cube also obtains legal advice regarding the jurisdictions in which it conducts operations in a specific case. This targeted legal advice helps Black Cube verify and affirm that its methodologies comply with relevant criminal laws in each jurisdiction.

II. The Investigation Background

13. We have been informed by the Plaintiff and its legal representatives of certain facts which provided the basis for our initial investigation:
- 13.1. Heber Participações SA (hereinafter: “**Heber**”) is a limited company incorporated in Brazil that constitutes part of the Heber Group (previously operating as the Bertin Group until 2009). Heber’s main beneficiaries are Mr Silmar Roberto Bertin (hereinafter: “**Mr Bertin**”) and his siblings.

- 13.2. In 2006, Heber and Empate Engenharia e Comércio Ltda (hereinafter: “**Empate**”)—the original claimant—formed the holding company CIBE Participações e Empreendimentos S.A (hereinafter: “**Cibe**”).
- 13.3. In 2009, Empate parted ways with Cibe and the assets were divided between the two groups. Unbeknown to Empate, Heber had used the aforementioned assets of Empate, estimated at 38 million reais, as guarantees for loans and these assets were later seized.
- 13.4. Following this, Empate commenced a litigious arbitration procedure in Brazil against Heber and Mr Bertin to recover the estimated 38 million reais owed.
- 13.5. In June 2019, an arbitration award was rendered in favour of Empate by the *Centro de Arbitragem e Mediação da Câmara de Comércio Brasil-Canadá (CAM-CCBC)* (hereinafter: the “**Arbitration Award**”).
- 13.6. I am informed that Empate has since merged into Equipav S.A. Pavimentação, Engenharia e Comercio Ltda., resulting in the former becoming the award creditor, and that evidence of such merger will be provided by Mr Fabrizio Dos Santos Gabrin.

III. Black Cube’s Investigation

14. In September 2020, Black Cube was retained to assist Empate, and after the merger, Equipav, in the legal efforts to locate enforceable assets and thus recover the debt owed by Heber Participações S.A. and its owner Mr Bertin, as imposed by the Arbitration Award issued in Brazil.
15. Specifically, Black Cube was directed to conduct a comprehensive investigation, primarily to trace and locate assets owned directly by Heber Participações S.A. and Mr Bertin, providing details of asset structures belonging to Heber, Mr Bertin and/or any relevant persons or companies associated to them.
16. This included tracing and locating concealed assets registered under the name(s) of third parties that were owned de-facto by Heber or Mr Bertin,

with the objective to present intelligence of Heber and/or Mr Bertin's ultimate ownership and control over such assets.

17. The asset tracing efforts focused on all jurisdictions, with particular attention on: Brazil, United States of America, United Kingdom, EU countries, South America and other typical 'off-shore' jurisdictions.
18. This Declaration includes findings related to Mr Bertin's ownership of assets connected to or registered in the US allowing him to use the financial system in New York to move his assets between jurisdictions and to evade authorities and liabilities.
19. In addition to open-source research, Black Cube contacted Andres Gwynn Schaerer ("**Mr Gwynn**"), an individual who is familiar with Mr Bertin and his asset structures.
20. Mr Gwynn is a Paraguayan citizen, currently residing in Paraguay. Mr Gwynn presents himself on LinkedIn on as the Chief Executive Officer of Marseg SA (hereinafter: "**Marseg**").
21. The background story adopted by Black Cube for the investigation consisted of presenting Black Cube's agents as representative of a person interested in setting up a new manufacturing plant in the Mercosur region.
22. In total, Black Cube's agents met Mr Gwynn five times, as follows:
 - 22.1. On 11th March 2021, three Black Cube agents (hereinafter: "**BC Agent 1**", "**BC Agent 2**" and "**Black Cube 3**") conducted a video call with Mr Gwynn.
 - 22.2. Two additional video calls were conducted on 31st March 2021 and 23rd April 2021, between BC Agent 1, BC Agent 2 and Mr Gwynn.
 - 22.3. The video calls' conversations were conducted in English, Spanish and Portuguese. They were recorded while Black Cube agents were situated in Israel and were later transcribed. The total duration of the conversations was approximately 1 hour and 12 minutes; 1 hour and 13 minutes; and 1 hour and 8 minutes, respectively.

- 22.4. On 19th and 20th May 2021, BC Agent 1 and an additional Black Cube agent (“**BC Agent 4**”) met Mr Gwynn twice in New York, USA. During these meetings, Mr Gwynn sketched drawings on several pieces of paper to demonstrate asset structures and transfers between jurisdictions.
- 22.5. The two in-person meetings were conducted in English and Spanish, were recorded and later transcribed. The total duration of the meetings was 3 hours and 30 minutes; and 2 hours 40 minutes, respectively.
- 22.6. The meetings with Mr Gwynn were held in a friendly and relaxed environment. The information provided by Mr Gwynn was given in a completely voluntary manner without him being subject to any explicit or implicit pressure.
- 23. In addition, Black Cube contacted Antonio Mauricio (“Mr Mauricio”). Mr Mauricio is a Brazilian citizen, currently residing in Brazil. Mr Mauricio presents himself on LinkedIn as having previously worked at BSB Brazil as Director of Operations and Chief Financial Officer.
- 24. The background story adopted by Black Cube to contact this individual consisted of presenting Black Cube’s agents as ones interested in investing in the personal protection equipment industry in Brazil.
- 25. In total, three of Black Cube’s agents (hereinafter: “BC Agent 5”, “BC Agent 6” and “BC Agent 7”) spoke with Mr Mauricio five times via video call as follows:
 - 25.1. On the 18th of March 2021 and on the 24th of March 2021, BC Agent 5 and BC Agent 6 conducted video calls with Mr Mauricio.
 - 25.2. On the 31st of March 2021, BC Agent 5 and BC Agent 7 conducted another video call.
 - 25.3. On the 19th of April 2021, BC Agent 5 and 7 held a further video call with Mr Mauricio, that was also attended by Mr Silmar Bertin himself.
 - 25.4. A final video call was conducted by BC Agent 5 and Mr Mauricio on the 23rd of April 2021.

- 25.5. The video calls' conversations were conducted in English, Spanish and Portuguese. They were recorded while Black Cube agents were situated in Israel and were later transcribed. The total duration of the conversations was approximately 39 minutes; 40 minutes, 1 hour and 5 minutes; 29 minutes; and 32 minutes, respectively.
- 25.6. The meetings with Mr Mauricio were held in a friendly and relaxed environment. The information provided by Mr Mauricio was given in a completely voluntary manner without him being subject to any explicit or implicit pressure.

IV: Black Cube's Findings

26. As described below, Black Cube's investigations uncovered credible evidence that indicates, among other things, the following¹:
27. **Marseg is being used by Mr Bertin to conceal his personal assets.**
- 27.1. Marseg (formerly known as Marseg SRL) is a joint stock company incorporated under the laws of Paraguay with a registration no. 80047040-0. According to the official registry, 53.9% of Marseg's shares are held by BSB Participações SA.²
- 27.2. BSB Participações SA (hereinafter: "**BSB Brazil**") is a limited company incorporated under the laws of Brazil with a registration no. 09.574.595/0001-63.³ According to the company's registry documents, Mr Bertin holds an administrative role as a board member at BSB Brazil.⁴ Through Heber, Mr Bertin is also a shareholder of BSB Brazil, alongside his brother Fernando Antonio Bertin.⁵

¹ All the citations referred to below are based on all of the raw recordings produced in the meetings. Phrases in square parentheses "[]", were added by Black Cube when needed.

² Exhibit A

³ Exhibit B

⁴ Exhibit C

⁵ Exhibit D

27.3. De facto, Mr Bertin is the one that exercises total control over BSB operations as was disclosed by Mr Mauricio during the meeting held on the 31st of March 2021:

	Original spoken words	English translation ⁶
BC Agent 5	O BSB tem alguma-- eles são donos 100% ou a BSB está vinculada com outra empresa administrada pela merma-- mesma administração?	Does BSB have any-- do they own 100% or is BSB tied up to another company run by the same-- same management?
Mr Mauricio	Não, eles são 100% donos.	No, they are 100% owners.
BC Agent 5	E são-- então eles-- mas eles são os gerentes da BSB sem outra empresas vinculadas a eles.	And they are -- so they -- but they are the managers of the BSB with no other companies attached to them.
Mr Mauricio	Sim, eu vou falar 'hoje no negócio, só o Mazinho participa desse negócio'.	Yes, I will say 'today in the business, only Mazinho [Mr Bertin] participates in this business.'
BC Agent 5	Tá.	Okay.
Mr Mauricio	Os outros irmãos dele não estão nesse negócio.	His other brothers are not in that business.
BC Agent 5	Tá	Okay.
Mr Mauricio	Mas são socios dele, mas quem faz a gerência ali é ele.	But they are his partners, but he is the one who does the management there.
BC Agent 5	Tá.	Okay.

⁶ Where the conversation was not conducted in English, the transcript is accompanied by an English translation.

- 27.4. As learned in our investigation, Mr Bertin often has his brothers, children, nieces and/or nephews registered as directors and/or shareholders. Despite this being the case, he is often the controlling hand behind these companies.
- 27.5. As can be seen below, Black Cube obtained trustworthy information, provided here from a firsthand witness, that Marseg is a device used covertly by Mr Bertin and his family for business operations to avoid his duties and obligations to tax authorities and creditors.
- 27.6. Based on our research, Bertin's association with Marseg began on or around Marseg's inception in 2008. During the conversation held on 20th May 2021, Mr Gwynn explained how Bertin partnered' with BSB Brazil so that Marseg would effectively be considered as a subsidiary of BSB Brazil in Paraguay. This was done to deliberately avoid creating any clear formal record of how significant BSB Brazil's control is over Marseg.

	Original spoken words	English translation
BC Agent 1	So, actually, there is no-- officially, there is no connection--.	
Mr Gwynn	Exacto.	Exactly
BC Agent 1	-between BSB--.	
Mr Gwynn	BSB.	
BC Agent 1	-Brazil and BSB-Paraguay?	
Mr Gwynn	Paraguay. Sí, sí. No.	Paraguay. Yes, yes. No.
BC Agent 1	No connection?	
Mr Gwynn	No connection, no connection. Tiene que ser-- Marseg, BSB Brasil, Paraguay es Marseg.	No connection, no connection. It has to be-- Marseg, BSB Brazil, Paraguay is Marseg.
BC Agent 1	Marseg, yes.	

Mr Gwynn	Marseg es una sociedad anónima paraguaya.	Marseg is a Paraguayan limited company.
BC Agent 1	Paraguayan. So, the--.	
BC Agent 4	It's--.	
BC Agent 1	All the money, it goes--.	
Mr Gwynn	Sí, sí, sí.	Yes yes yes.
BC Agent 4	-through the the-- is protected?	
Mr Gwynn	Sí. ¿Quién? El que formó Marseg fue Andrés. Andrés con mi esposa--.	Yes. Who? The one who set up Marseg was Andrés. Andrés with my wife--.
BC Agent 4	Okay.	Okay.
Mr Gwynn	Los dos paraguayos, chilenos, no hay problema. Yo formé la empresa 100% a mi nombre.	Both Paraguayan, Chilean, there is no issue. I set up the company 100% under my name.
BC Agent 4	Okay.	Okay.
Mr Gwynn	La empresa estaba lista. Una vez que estaba lista, ahí, [Mimics knocking] 'BSB, ¿quieres venir a Paraguay?' ¿verdad? Y ahí BSB compra el 90 [...] 85.	The company was ready. Once it was ready, there, [Mimics knocking] 'BSB [Brazil], do you want to come to Paraguay?', right? And then BSB buys 90 [...] 85.
BC Agent 4	Okay.	Okay.
Mr Gwynn	Es 'una venta', supuestamente. Entonces es como que es una empresa paraguaya que viene una empresa brasilera a invertir en Paraguay.	It's 'a sell', allegedly. So, it's like a Paraguayan company that a Brazilian company comes to invest in Paraguay.
BC Agent 4	A invertir.	To invest.

Mr Gwynn	No hay ninguna conexión.	There is no connection.
BC Agent 4	Y entonces eso sería una inversión extranjera.	And then that would be a foreign investment.
Mr Gwynn	Una inversión extranjera, y no hay conexión. No es una filial de BSB, eso es importante que le expliques. [Simultaneous talk – BC comment]	A foreign investment, and there is no connection. It's not a BSB subsidiary, that is important for you to explain to him. [Simultaneous talk]

Mr Gwynn	Manda el dinero, yo le digo, 'Te vendo el 85% en \$5 millones.'	He sends the money, I tell him, 'I sell you 85% for \$5 million.'
BC Agent 4	Okay.	Okay.
Mr Gwynn	Un número de común acuerdo y ahí, [...], a partir de ahí ya él es socio. No hay ninguna conexión.	A number by mutual agreement and there, [...], from there on he is now a partner. There is no connection.
BC Agent 4	Okay, ¿pero sigue siendo una empresa paraguaya?	Okay, but is it still a Paraguayan company?
Mr Gwynn	Sigue siendo una empresa paraguaya con un grupo extranjero como socio.	It's still a Paraguayan company with a foreign group as partner.
BC Agent 4	Okay. So, on the second day, BSB came, bought back 85% of the company--.	
BC Agent 1	But it was planned in advance, all this? I mean. It's not--.	
BC Agent 4	¿Lo planearon con antelación?	Did you plan it in advance?
Mr Gwynn	Sí, sí, claro, sí, sí, fue de común acuerdo.	Yes, yes, of course, yes, yes, it was a mutual agreement.

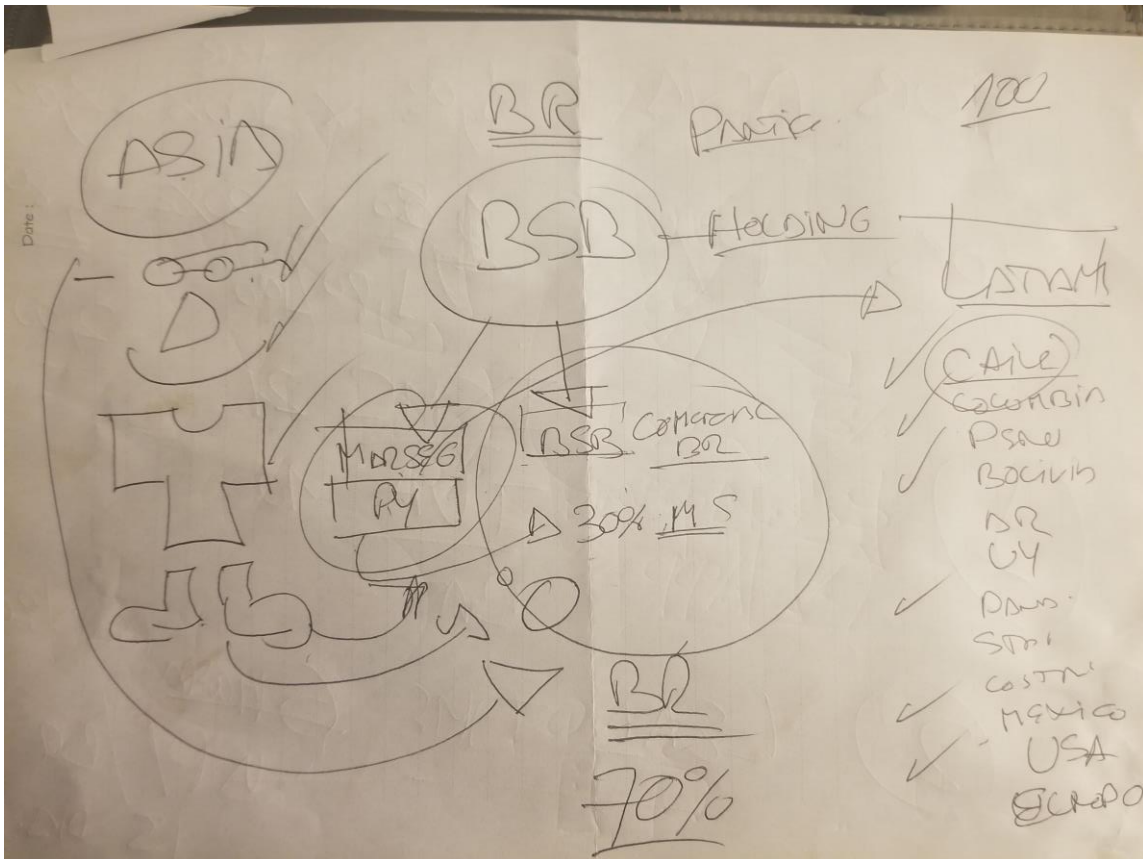
27.7. On 20th May 2021, Mr Gwynn further states that Mr Bertin opened asset structures outside of Brazil in order to protect personal assets and avoid taxes:

	Original spoken words	English translation
BC Agent 4	Entonces, por ejemplo, si tiene operaciones en Brasil pero que quiere, digamos, ocultarlo, ¿puede registrarlo en Paraguay?	So, for instance, if you have operations in Brazil but you want, let's say, to hide it, can you register it in Paraguay?
Mr Gwynn	Sí, sí.	Yes, yes.
BC Agent 1	And then it's protected?	
Mr Gwynn	Sí, sí.	Yes, yes.
BC Agent 4	Y luego se protege, ¿no?	And then it's being protected, right?
Mr Gwynn	Correcto. Le voy a contar una cosa confidencial.	Right. I'll tell you something confidential.
BC Agent 4	He's going to tell you something confidential.	
Mr Gwynn	Okay. La familia brasilera, estos negocios de infraestructura, puertos, son negocios muy grandes que haces generalmente con los gobiernos. Son licitaciones, ¿se llama?	Okay. The Brazilian family, these infrastructure and ports businesses are very big businesses that you usually do with governments. They are tenders, is that how they are called?
BC Agent 4	Sí.	Yes.
Mr Gwynn	Public-- licitaciones públicas.	Public-- public tenders.
BC Agent 4	Sí.	Yes.
Mr Gwynn	Que son negocios muy grandes, tiene que tener que haber contactos políticos, ¿verdad? Entonces aquí se genera mucho dinero.	Which are very big businesses, you need to have political contacts, right? So, here a lot of money is being generated.

BC Agent 4	Okay.	
Mr Gwynn	Y este dinero, es una forma de ellos de proteger, porque es un dinero que si llega a haber un-- en Brasil estamos hablando, si llega a haber un cambio de gobierno en Brasil, le pueden decir, 'Ah, pero usted hizo un puerto de \$100 millones con el gobierno anterior y ¿cuánto costó el puerto? Usted pago 100 millones, pero costó 50 y la diferencia--.' Siempre hay problemas políticos.	And this money, it's their way of protecting it, because it's money that if there happens to be a-- we are talking in Brazil, if there happens to be a governmental change in Brazil, they can tell them, 'Oh, but you made a port of \$100 million with the previous government, and how much did it cost? You paid 100 million, but it cost 50 and the difference--.' There is always political problems.
BC Agent 4	Okay.	
Mr Gwynn	Entonces una forma que ellos protegen justamente es sacando su dinero es, haciendo estas inversiones en Paraguay y en Latinoamérica después. Entonces-- lo que él me decía, el dinero que ellos quieren proteger de Brasil, lo sacan--.	So, a way in which they protect themselves is precisely taking out their money, is doing these investments in Paraguay and Latin America afterwards. So-- what he was telling me, the money that they want to protect from Brazil, they take it out--.
BC Agent 4	Okay.	

BC Agent 4	¿Entonces sacan el dinero para pagar menos impuestos o porque quieren proteger sus bienes?	So, do they [the Bertin family] take out the money to pay less taxes or because they want to protect their assets?
Mr Gwynn	Las dos cosas.	Both things.
BC Agent 4	Las dos cosas. Both.	Both things. Both.

- 27.8. Mr Gwynn's statements are supported by hand drawn diagrams produced by Mr Gwynn during this conversation:



28. Throughout the investigation, it has remained clear to us that whether or not his family is involved in an account or structure, Mr Bertin is the one at the centre of with the aim to conceal his assets.
29. **Mr Bertin holds personal bank accounts in the US.**
- 29.1. Marseg, facilitated by Mr Gwynn, was used as a vehicle to open bank accounts in the US for Mr Bertin. On 19th May 2021, Mr Gwynn stated that Bertin's bank account is in Chase Manhattan Bank (now doing business as JP Morgan Chase Bank), understood to have been opened in New York, where this conversation took place.
- 29.2. We understand from Mr Gwynn that it is only possible for Paraguayan citizens or owners of companies in Paraguay to open bank accounts in the US and that this is not possible for Brazilian citizens. He further explains

that the Bertins precisely use the fact that they have operations in Paraguay to circumvent this obstacle and open these US accounts.

29.3. Marseg itself appears to regularly conduct transactions through New York. This is supported by bills of lading obtained online at ExportGenius.in⁷ and 52wmb.com⁸ showing Marseg exporting shoes to Brazil, Uruguay, Argentina, Ecuador and the Dominican Republic in “USD” and “Dollar”. Given that the seller, Marseg, is listing items in US dollars, it is likely this company transacts through a correspondent bank account in US dollars in New York.

29.4. Mr Gwynn also referenced a credit card obtained in Miami, Florida for Mr Bertin’s personal use in Brazil.

	Original spoken words	English translation
BC Agent 4	¿Usted mencionó también que tenían negocios en los Estados Unidos?	You mentioned as well that they [the Bertin Family] had business in the United States?
Mr Gwynn	Sí, correcto. Simplemente abrí una cuenta aquí en el Chase Manhattan Bank, Chase Manhattan, y también, transferencia directa--.	Yes, correct. I simply opened an account here, at the Chase Manhattan Bank, Chase Manhattan, and also, direct transfer--.
BC Agent 4	Okay.	Okay.
Mr Gwynn	-de Paraguay al Chase Manhattan.	-from Paraguay to the Chase Manhattan.
BC Agent 4	Okay.	

BC Agent 1	They transfer also private money? Yeah, I think you told me.	
-------------------	---	--

⁷ Exhibit E

⁸ Exhibit F, G, H, I, J.

Mr Gwynn	Correcto. Ellos no pueden-- ellos como brasileiros no pueden hacer esto.	Correct. They cannot-- they, as Brazilians, cannot do that.
BC Agent 4	Since they're Brazilian they can't do that, they don't have the Paraguayan citizenship.	
Mr Gwynn	Claro. [Simultaneous talk] Entonces como tienen una operación en Paraguay aprovechan y abren la cuenta en Estados Unidos.	Of course. [Simultaneous talk] So, as they have operation in Paraguay, they make the most of it and open the account in the United States.
BC Agent 4	But since they have an operation running in Paraguay, they use it in order to transfer money.	
BC Agent 1	And there's no limit? They can transfer--.	
Mr Gwynn	No limit.	
BC Agent 1	No limit. [Simultaneous talk]	
Mr Gwynn	Inclusive para ellos, cuentas personales.	Even for them, personal accounts.
BC Agent 4	Even for their personal accounts.	
BC Agent 1	Personal. [Simultaneous talk]	
Mr Gwynn	Inclusive le abren a la esposa, a la señora, al hijo.	They even open one to the wife, the lady, the son.
BC Agent 4	They can even open a bank account to their wives, to their children.	
BC Agent 1	Which they do probably.	
Mr Gwynn	¿Qué--?	What?
BC Agent 4	Que probablemente hacen, ¿no?	Which they probably do, right?

Mr Gwynn	Claro, exactamente, sí, y tienen credit card en Miami-- interesante. Credit card americana, utilizan en Brasil--.	Of course, exactly, yes, and they have a credit card in Miami-- interesting. American credit card, they use in Brazil--.
BC Agent 4	Sí.	Yes.
Mr Gwynn	Utilizan en Brasil--.	They use in Brazil--.
BC Agent 1	Yes.	Yes.
Mr Gwynn	-y se paga por Paraguay a Miami.	-and it is paid through Paraguay to Miami.

29.5. Our understanding is that Mr Gwynn, acting in his role as director of Marseg, opened bank accounts in New York (exploiting the Paraguay – US banking link).

29.6. Based on intelligence provided by Mr Gwynn, we concluded that it is likely that Mr Bertin instructed Mr Gwynn to assist in the set up of these structures to evade liabilities in Brazil.

30. **Mr Bertin used personal bank accounts in the US to make investments in Chile.**

30.1. During the meeting on 20th May 2021, Mr Gwynn explains how an additional entity, Vicsa SA, was created in Chile using monies originated from Bertin's personal bank account in the US. Mr Gwynn states that Marseg holds 95% of Vicsa SA's share capital.

	Original Spoken Words	Translation to English
Mr Gwynn	Okay. Bueno, el primer negocio fuera de Paraguay y en Chile, okay, compramos una compañía--.	Okay. Well, the first business outside of Paraguay and in Chile, okay, we bought a company--.
BC Agent 4	Sí.	Yes.
Mr Gwynn	-que se llama Vicsa, okay, así que--.	-that's called Vicsa, okay, so--.

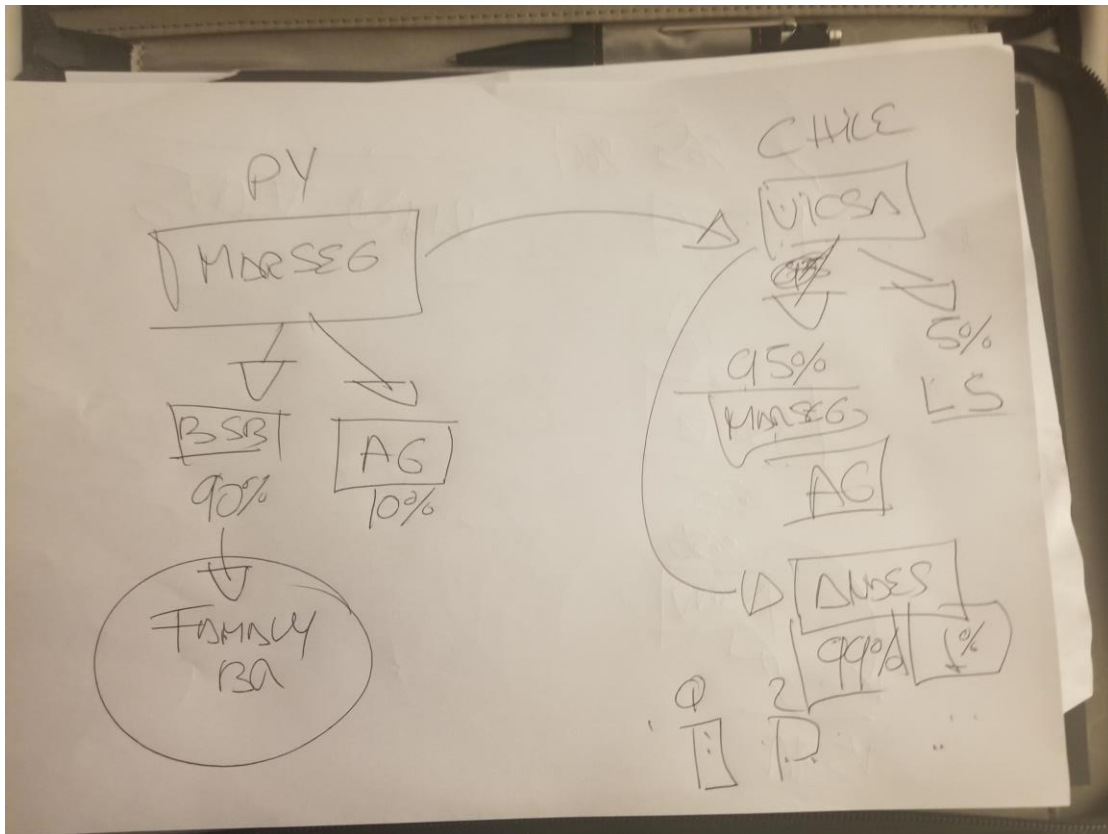
BC Agent 4	So, they bought this company in Chile, Vicsa.	
BC Agent 1	This Vicsa is 100% by them or the other partners, besides this legal partner?	
Mr Gwynn	No, no, no-- sí.	No, no, no-- yes.
BC Agent 4	¿Hay más socios en la empresa--?	Are there more partners in the company--?
Mr Gwynn	No, no, no.	
BC Agent 4	-o pertenece solo a los socios brasileiros?	-or does it belong only to the Brazilian partners?
Mr Gwynn	Solo a los socios-- 95-- no, 5 a un socio local.	Only to the partners-- 95-- no, 5 to a local partner.
BC Agent 4	Okay.	
BC Agent 1	Yes, but 95% belongs to--.	
Mr Gwynn	Yes.	
BC Agent 1	-to Marseg.	
Mr Gwynn	Yes. Okay.	

Mr Gwynn	Okay, perfecto. Okay, para comprar Vicsa, el dinero vino parte de Marseg, de Paraguay, parte vino de Brasil.	Okay, perfect. Okay, to buy Vicsa, the money came, a part from Marseg, from Paraguay, a part came from Brazil.
BC Agent 1	Brazil, yeah.	
Mr Gwynn	Sí, y parte de Estados Unidos, de una cuenta de uno de los socios. Esto es-- .	Yes, and a part from the United States, from one of our partners' account. That is--.

BC Agent 4	Ah, lo que explicaba ayer--.	Oh, what you were explaining yesterday--.
Mr Gwynn	Sí.	Yes.
BC Agent 4	-un poco de-- so, money came from-- .	-and a bit from-- so, money came from--.
Mr Gwynn	Paraguay, USA y Brasil.	Paraguay, USA and Brazil.
BC Agent 1	USA from where? Which company?	
BC Agent 4	From the company's account that they have in the US.	
BC Agent 1	Okay.	
BC Agent 4	Eso es, ¿verdad?	That's it, right?
Mr Gwynn	Sí.	Yes.
BC Agent 4	¿De la cuenta de la empresa en Estados Unidos?	From the company's account in the United States?
Mr Gwynn	Sí-- no, no, no, de la cuenta de-- personal de la familia.	Yes-- no, no, no, from the account of-- the personal one of the family.
BC Agent 4	From the family's personal account.	
BC Agent 1	Okay. Okay.	
Mr Gwynn	Acá-- aquí se pagó, con esta compañía se pagó \$15 millones--.	Here-- here they paid, with this company they paid \$15 million--.
BC Agent 4	Okay--.	
Mr Gwynn	-for Vicsa.	-for Vicsa.
BC Agent 4	They paid \$15 million.	
BC Agent 1	\$15 million. [Simultaneous talk]	
Mr Gwynn	Paraguay puso 8--.	Paraguay put 8--.
BC Agent 4	Okay.	

Mr Gwynn	-Marseg.	-Marseg.
BC Agent 4	They put 8 million.	
Mr Gwynn	Sí, de Estados Unidos vino 5 y de Brasil la diferencia.	Yes, from the Unites States, came 5, and from Brazil, the difference.
BC Agent 4	Okay.	
BC Agent 1	Half of it, okay.	
BC Agent 4	More or less.	
BC Agent 1	More or less.	
Mr Gwynn	Sí.	Yes.
BC Agent 1	So, altogether 15.	
BC Agent 4	Todo junto, llegamos a 15 millones.	Altogether, we reached 15 million.
Mr Gwynn	A 15 millones.	15 million.
BC Agent 1	Yeah.	

30.2. To explain this complex ownership structure, Mr Gwynn created a hand-drawn diagram:



30.3. On 19th and 20th May 2021, Mr Gwynn states that money is transferred to companies in Chile via Paraguay, using international accounts registered in New York.

	Original spoken words	English translation
Mr Gwynn	Chile y los bancos chilenos aceptan el destino-- el origen de los-- de estos tres países, ¿por qué? Porque todos están relacionados a los socios, o sea, Marseg, lógicamente, de Estados Unidos porque la familia tiene cuenta en Estados Unidos y es socia de Marseg, entonces también puede traer el dinero acá.	Chile and the Chilean banks accept the destination-- the origin of the-- of these three countries [Paraguay, USA, Brazil], why? Because everything is related to the partners, I mean, Marseg, logically, from the United States because the family has an account in the United States and is a partner of Marseg, so it can also bring the money here.
BC Agent 4	Okay.	

Mr Gwynn	Y la de Brasil también porque también es de-- o sea.	And from Brazil as well because it's also of-- I mean.
BC Agent 4	Porque es de ellos.	Because it belongs to them.
Mr Gwynn	El dinero puede venir de cualquiera-- a Chile, de cualquier persona que esté vinculada a la empresa.	The money can come from any-- to Chile, from any person that is related to the company.

Mr Gwynn	Okay. Entonces mi socio tiene otra empresa en Chile.	Okay. So, my partner has another company in Chile.
BC Agent 4	Okay. So, his partner has another company in Chile.	
Mr Gwynn	Y la plata que está en el banco paraguayo es transferida a Chile, y el-- de forma directa.	And the money that is in the Paraguayan bank is transferred to Chile, and the-- directly.
BC Agent 4	And so, the money that's in Paraguay--.	
BC Agent 1	Yes.	
BC Agent 4	-is transferred directly to Chile.	
BC Agent 1	To a bank in Chile? [Simultaneous talk]	
Mr Gwynn	Santander--.	
BC Agent 1	Santander.	
Mr Gwynn	-Banco de Chile, cualquier banco.	-Banco de Chile, any bank.
BC Agent 4	Any bank.	Any bank.
Mr Gwynn	Sí, sí, sí, porque las cuentas de-- los bancos paraguayos tienen cuentas internacionales.	Yes, yes, yes, because the accounts-- Paraguayan banks have international accounts.

BC Agent 4	Okay.	Okay.
Mr Gwynn	Citibank, New York.	Citibank, New York.
BC Agent 4	Okay. The Paraguayan banks, they have international accounts.	
Mr Gwynn	Entonces el dinero va-- el destino final es Chile.	So, the money goes-- the final destination is Chile.
BC Agent 4	The final destination is Chile.	
BC Agent 1	Is Chile. [Simultaneous talk]	
Mr Gwynn	Pero el dinero-- seguramente el dinero va vía Nueva York-Chile, o Europa-Chile.	But the money-- surely, the money goes through New York-Chile or Europe-Chile.

V: Summary

30.4. Black Cube's efforts produced trustworthy evidence uncovering that Mr Bertin owns and operates, a complex asset structure with connections to the US. As such:

- i. BSB Brazil effectively owns Marseg. Marseg is used as a vehicle to set up and conduct business and payments in other jurisdictions, namely the US and Chile. This structure was set up to disguise the connection to Mr Bertin and his activities in Brazil.
- ii. Mr Bertin owns two bank accounts in New York: one with JP Morgan Chase and the other with Citibank. A third bank account is assumed to exist in Miami, Florida. These bank accounts are used by Mr Bertin for both personal and business purposes.
- iii. At least one of the US bank accounts in New York in Mr Bertin's name was used to purchase an entity in Chile for \$15 million US dollars.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed 

Name Dr Avi Yanus

Place Tel-Aviv, Israel

Date 2 June 2022